



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 8, 2007

REGISTERED MAIL – 7003 1680 0007 1466 3211

Spokane County Engineering Department
ATTN: Ms Marianne Barrentine
1026 W. Broadway Ave
Spokane, WA 99260-0170

RE: Administrative Order No 4945: Authorizing impacts to 933 square feet (0.02 acres) of isolated wetlands as part of the Geiger Spur Relocation Project located 1800 feet west of South Craig Road in Section 34, Township 25 N, Range 41 EWM near the town of Airway Heights in Spokane County, Washington.

Dear Ms. Barrentine:

The request for an administrative order for proposed work in isolated wetlands for the Geiger Spur Relocation Project has been reviewed. The State of Washington has determined that the proposed work, as condition by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Michael Maher at (509) 329-3584. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brian G. Farmer
Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office

Enclosure

cc: Jeremy Sikes, ERO
Penny Keys, Ecology
Loree Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
SPOKANE COUNTY ENGINEERING DEPARTMENT)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 4945
CONDUCT WORK IN AN ISOLATED WETLAND)

To: Spokane County Engineering Department
ATTN: Ms. Marianne Barrentine
1026 W. Broadway Avenue
Spokane, WA 99260-0170

This is an Administrative Order requiring the Spokane County Engineering Department to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90 48 RCW.

On May 25, 2007, the Spokane County Engineering Department submitted a request to impact 933 sq. ft (0.02 acres) of isolated wetlands as part of the Geiger Spur Relocation Project. A new single track rail line will be constructed as part of the project to continue service to the Airway Heights industrial area. Wetland loss will occur where the new line crosses an unnamed ditch. Culverts and backfill will be placed in the existing ditch with heavy equipment located on the adjacent upland areas. Wetland impacts will be mitigated through the construction of new wetlands (1400 square feet) immediately downstream of the crossing. The project will occur 1800 feet west of South Craig Road in Section 34, Township 25 N, Range 41 EWM near the town of Airway Heights, Spokane County, Washington.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Spokane County Engineering Department shall comply with the following:

1. Spokane County Engineering Department shall insure that construction and mitigation for the project occurs in a manner consistent with the project description contained in the Joint Aquatic Resource Permit Application (JARPA) submitted May 25, 2007 and in the Geiger Spur Railroad Alignment Wetland Mitigation Plan, Spokane County Project Number: 2837 or as otherwise approved by Ecology.
2. Mitigation construction and installation shall occur prior to or concurrently with the project impacts to wetlands.

3. The Spokane County Engineering Department shall provide Ecology access to the project and mitigation sites upon request.
4. An "as built" report shall be prepared for the mitigation project after construction. The report will document any variances from the approved final mitigation plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:
 - final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
 - photographs of the area taken from permanent photo points which will be designated on the site plan; and,
 - the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting.

Two (2) copies of the "as-built" reports and drawings shall be sent to Ecology's Eastern Regional Office Attn: Michael Maher at 4601 N. Monroe St., Spokane, WA 99205-1295, within 60 days of completing construction and planting, and in no case later than December 31 of the year that construction is completed.

5. Monitoring and Contingency Plan: Mitigation efforts shall be monitored for compliance with the performance standards referenced in the Wetland Mitigation Plan Geiger Spur Railroad Alignment dated October 2006.
 - A.) A written report describing the monitoring results will be submitted to the Department of Ecology's Eastern Regional Office Attn: Jeremy Sikes, the first, third, and fifth years after completion of the mitigation installation.
 - B.) Prior to implementing any contingency measures, applicant will consult with permitting agencies
 - C.) Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
 - D.) Any changes to the mitigation plan or monitoring requirements must be approved by Ecology before they are incorporated into the plan or implemented on the ground.
6. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.

8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

Appeal Process:

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

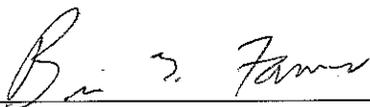
Michael Maher
Department of Ecology
Eastern Regional Office

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Spokane, WA 99205-1295

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW. You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

DATED this 9th day of August, 2007, at Spokane, Washington.



Brian G. Farmer, Section Manager
Shorelands and Environmental Assistance Program
Eastern Regional Office
Department of Ecology
State of Washington